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**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI**

In Re: Rachel Elizabeth Fracassa
Debtor

Bankruptcy Case No.
13-41828-can7

Rachel Elizabeth Fracassa
Plaintiff

Adversary Case No.
13-04125-can

v.

American Education Services
NATIONAL COLLEGIATE TRUST
Defendant

AMENDED PRETRIAL ORDER AND NOTICE OF TRIAL

1. A pretrial telephone conference shall be initiated by the Court and scheduled on: 12/5/13 at 02:30 PM.
2. A trial shall be scheduled on: 12/18/13 at 10:30 AM at U.S. Courthouse, 400 E. 9th Street, Courtroom 6A, Kansas City, MO 64106.

Counsel who shall participate and appear at trial shall participate in the pretrial conference. Unless otherwise notified, the Court will contact Counsel at the telephone number listed in pleadings on file. Counsel participating in the pretrial conference must be prepared to discuss any and all of the following:

- A. Admitted or otherwise uncontroverted facts;
- B. Theories and elements of the respective causes of action and defenses asserted;
- C. Contentions of fact and evidence that support the respective causes of action and defenses;
- D. Contested legal issues.

3. Discovery may commence immediately and, unless otherwise ordered, shall be completed 14 days prior to trial. In addition to Local Rule 7026-1 of this Court, Local Rules 26.4 (Non-filing of Discovery Response), and 30.1 (Depositions), United States District Court, Western District of Missouri, shall apply. However, unless otherwise requested the Initial Disclosures specified in F.R.Civ.P. 26(a)(1), and the Conference of Parties and Discovery Plan specified in F.R.Civ.P. 26(f) shall not be required. If a party wishes that such discovery procedures be imposed, a motion to that effect shall be filed as soon as practicable. The complexity of certain cases may be grounds for extensions and continuances when timely filed. A party which does not commence discovery within 30 days after service of the complaint should not anticipate being granted a continuance based on the failure to complete discovery.

4. Exhibits shall be marked for trial. On or before 7 calendar days prior to trial, the parties shall file and serve lists of witnesses and exhibits, exchange marked copies of exhibits, AND PROVIDE COPIES OF ALL EXHIBITS TO CHAMBERS. For items which are difficult to copy, a written description or summary of the item shall be provided and the original marked exhibit shall be made available for examination by other counsel. Unless otherwise pursuant to F.R.Civ.P 26 (a)(3), or unless a motion in limine is filed, all objections to admissibility of evidence are preserved for trial.

5. A party desiring to submit a trial brief shall file and serve it on opposing counsel on or before 7 calendar days prior to trial.

6. Failure to comply with this Order may result in the exclusion of evidence, dismissal of the action, entry of default judgment, striking of pleadings, assessments of costs and attorney fees, or other appropriate action or sanction.

7. The parties are reminded of the provisions of Local Rule 16.1, United States District Court, Western District of Missouri, wherein it is stated:

Counsel are responsible for completing pretrial discovery in the shortest time possible with the least expense and without the necessity of judicial intervention.

IT IS SO ORDERED.

Dated: 9/20/13

